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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

THE PEOPLE,

Plaintiff and Respondent,

v.

RONALD LOSKA,

Defendant and Appellant.

B220655

(Los Angeles County
Super. Ct. No. NA082636)

APPEAL from a judgment of the Superior Court of Los Angeles County.

Charles D. Sheldon, Judge. Affirmed.

Catherine Campbell, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

After jury trial, appellant Ronald Loska was convicted of a violation of Penal Code section 12316, subdivision (b)(1), being a felon in possession of ammunition. Appellant admitted that in 1995, in case number NA021711, he had suffered convictions for violations of Penal Code section 245, subdivisions (a)(1) and (a)(2), and sections 187, subdivision (a) and 664; and that in 2001, he had been convicted of a violation of Health and Safety Code section 11377, subdivision (a).

At trial, Department of Corrections Special Agent Jason Marks testified that his job was to investigate parolees suspected of committing new crimes. On July 14, 2009, he saw appellant enter the Royal Hotel in San Pedro. About an hour later, Marks went into the hotel, to Unit 3, a single room. He observed a lock box bolted to the floor of one of the closets.

During this period, appellant was arrested. Officers obtained a set of keys from his pocket. They transmitted the keys to Special Agent Marks. There was a key to the front door of the hotel, a key to the door to Unit 3, and a key to the lock box.

Inside the box, Special Agent Marks discovered a social security card, a state benefits card, and a debit card, all in appellant's name. There was another card, with a different name. Agent Marks also discovered a box of live ammunition and a clear glass pipe of the type used to smoke narcotics.

The defense presented evidence that appellant did not live at the hotel, but instead lived with a friend, Wayne Hansen, although on cross-examination Hansen testified that appellant stayed at his home only three days a week.

The defense also presented several witnesses who testified that appellant was dating Tina Tiano, who lived at the hotel. Tiano testified that appellant did not live with her, that she stored some of appellant's belongings in her closet, and that the ammunition in the lock box was ammunition she had found in another hotel room, while cleaning it. She had planned to give it to a former boyfriend, a retired police officer. Appellant's social security card was in the closet, but not in the lock box. Appellant had her keys because she had accidentally left them at his (Hansen's) house the night before.

In rebuttal, the prosecution called John Wilson, manager of the hotel and a friend of Tiano's. He testified that appellant was frequently at the hotel, and spent the night there contrary to the rules. Wilson testified that the day before his testimony, Tiano imitated a conversation about his testimony and that during the conversation, Tiano hit him. Tiano's testimony was that it was Wilson who struck her, and that while she imitated the conversation, she wanted to talk about the hotel, not Wilson's testimony.

At sentencing, the court struck two of appellant's strike priors and sentenced him to a total term of 8 years; the upper term of 3 years, doubled pursuant to Penal Code section 667, subdivision (e)(1), and an additional 2 years pursuant to Penal Code section 667.5, subdivision (b).

We appointed counsel to represent appellant on appeal. On August 17, 2010, after examination of the record, counsel filed an opening brief in which no issues were raised. Counsel advised appellant that he could submit a supplemental brief on his own behalf, and sent appellant a copy of the record on appeal and the brief. On August 18, 2010, we advised appellant that he had 30 days in which to submit by brief or letter any argument or contention he wished this court to consider.

Appellant has submitted a letter brief in which he contends that although he was absconding parole, he committed no crime. He argues that he did not live at the hotel and did not know what Tiano had in her room. He also argues that if his attorney had fought for him, he would not be in prison, and that there was no search warrant until after his arrest, and after the search of Tiano's room.

We have examined the entire record and are satisfied that appellant's attorney has fully complied with her responsibilities and no arguable issues exist. (*People v. Wende* (1979) 25 Cal.3d 436, 441.) Moreover, we find no merit in appellant's claims of errors.

Appellant's first argument is a request that we reweigh the facts, which is not our function on appeal. (*People v. Miner* (1957) 156 Cal.App.2d 360, 362.) The evidence summarized herein was substantial evidence for the conviction, and that is the extent of our review. (*People v. Cuevas* (1995) 12 Cal.4th 252.) To the extent that appellant is arguing ineffective assistance of counsel, we see none. An appellant claiming ineffective

assistance of counsel must show that counsel's performance fell below an objective standard of reasonableness under prevailing professional norms and that the deficient performance resulted in prejudice. (*People v. Ledesma* (1987) 43 Cal.3d 171, 216, 218.) To establish prejudice, an appellant must show that there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different. (*Ledesma, supra*, 43 Cal.3d at pp. 217-218.) Appellant has not made that showing here.

Finally, our record includes almost no information about the search warrant, and any contention concerning that warrant has been forfeited. (Pen. Code, § 1259.)

Disposition

The judgment is affirmed.

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ARMSTRONG, J.

We concur:

TURNER, P. J.

KRIEGLER, J.